

October 3, 2005

Case No. GP-302051 (2760/49)

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REMARKS

The Applicant thanks the Examiner for his courtesies in the interview of September 26, 2005. Applicants request withdrawal of the finality of that office action, as Applicant had previously noted to the Examiner that Jijina is commonly owned with the instant application, and therefore inappropriate to include in a 35 U.S.C. §103(a) rejection. See 35 U.S.C. §103(c) below, and Applicant's June 24, 2005 response to the April 5, 2005 office action.

A. Claims 1, 4-6, 8-21 were rejected under 35 U.S.C. §102(e) as anticipated by Jijina.

Applicants maintain their traverse of the §102(e) rejection of claims 1, 4-6, and 8-21.

Jijina does not disclose acquiring at the server an ignition status from the client VCU as claimed in claims 1, 16, and 19. The Examiner's reference to Jijina, page 1, ¶4 makes no mention of the claim element "acquiring at the server an ignition status from the client VCU", but rather, that the "vehicle phone answers each in-coming call, voice or data, when an ignition of vehicle 41 is on ...". (¶7, Jijina) Answering a call when the ignition of the vehicle is on does not require that an ignition status is acquired at the server and there is no indication in the cited reference to acquire the ignition at the server. Withdrawal of rejections of independent claims 1, 16, and 19 and their dependents is respectfully requested.

Similarly, claims 4, 16 and 20 require "delivering the communication to the client VCU upon acquiring an IGNITION ON status" which is not disclosed by Jijina. Specifically, Jijina discloses that the vehicle phone 40 will answer a call forward rings from the call forwarding module 21 when the ignition of vehicle 41 is on or when the VCU is awake in a DRx cycle." (¶7, Jijina). However, merely *answering* the phone when the ignition is on or in DRx is not the same as the claim element, and therefore, claim 4 is patentable over Jijina for at least this additional reason. Claims 8 and 13 require delaying delivery of the communication to the client VCU upon acquiring an IGNITION OFF status, and claims 9, 18 and 21 require storing the communication based on acquiring an IGNITION OFF status. Again, Jijina does not disclose any

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such elements, instead only disclosing that the phone answers the call if the ignition is on or in DRx. Thus, Jijina discusses the *receipt* of a call, not its *delivery* or *storage*.

Withdrawal of the rejections to claims 1, 16, and 19 is requested, as well as claims 4-6, and 8-15, 17-18, and 20-21 depending directly or indirectly from one of claims 1, 16, or 19.

B. Claims 2-3, and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Jijina in view of Nascimento

The §103(a) rejection of claims 2-3, and 7 is traversed.

35 U.S.C. §103(c) states that subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. §102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. §103(a), provided the subject matter and the claimed invention were commonly owned at the time the invention was made.

The Jijina reference and the instant application were commonly owned at the time the invention was made. Therefore, Jijina does not qualify as a §103(a) reference, and this rejection must fall. Nascimento fails to teach or suggest each and every element of the claims, and the Examiner does not cite to Nascimento to support a teaching or suggestion of *each* claimed element.

Withdrawal of the rejections to claims 2-3, and 7 is requested.

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SUMMARY

The Examiner's rejections of claims 1-21 have been obviated by remarks herein supporting an allowance of pending claims 1-21 over the art of record. The Applicant respectfully submits that claims 1-21 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

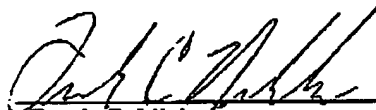
Dated: October 3, 2005

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